

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, AUGUST 9, 2001
8:30 A.M.**

Commissioners Present: Kathy Campbell, Chair
Bob Workman, Vice Chair
Larry Hudkins
Bernie Heier
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Bruce Medcalf, County Clerk
Trish Owen, Deputy County Clerk
Ann Taylor, County Clerk's Office

The Staff Meeting was called to order at 8:35 a.m.

AGENDA ITEM

1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY, AUGUST 2, 2001; TUESDAY, AUGUST 7, 2001 (10 A.M. AND 3 P.M.)

Item held.

2 ADDITIONS TO THE AGENDA

- A. Newspaper Article Regarding the Lancaster County Agricultural Society's Budget Request
- B. Dedication and Open House for the New Lancaster County Election/Jury Commission Facility
- C. Conference Room Chairs
- D. Local Emergency Preparedness Committee (LEPC) Meeting Report
- E. Application for a Special Designated License

MOTION: Heier moved and Hudkins seconded approval of the additions to the agenda. Heier, Stevens, Hudkins, Workman and Campbell voted aye. Motion carried.

3 AFFIRMATIVE ACTION OFFICE POLICY ON INVESTIGATION OF DISCRIMINATION CLAIMS - Georgia Glass, Personnel Director; Mike Thew, Chief Deputy County Attorney; Diane Staab, Deputy County Attorney

Mike Thew, Chief Deputy County Attorney, said Joyce Quinn, City Affirmative Action Officer, has reportedly been asked by a county employee to investigate alleged instances of workplace discrimination. He said this raises questions of the County's responsibility to have an affirmative action officer in place and what specific duties are required. Thew said county elected officials may oppose having an employee of the Mayor's office investigate discrimination complaints and make recommendations with regard to their departments. He added that there is already an Equal Employment Opportunity Commission (EEOC) mechanism in place for investigation of complaints.

Diane Staab, Deputy County Attorney, said political subdivisions are not required to have an affirmative action plan although many, like Lancaster County, do so voluntarily. She said the focus of affirmative action plans is primarily on recruitment, not investigation of complaints.

Thew added that having the Affirmative Action Officer investigate complaints could result in a conflict of interest situation, should the Officer need to seek legal advice from the County Attorney's Office.

In response to a question from Stevens, Staab said the County has a workplace harassment policy in place, with investigation coordinated through the Personnel Department.

Stevens proposed that the County hire the City's Affirmative Action Officer to investigate complaints, with a report back to the Personnel Department or County Attorney's Office.

Campbell explained that the original intent of the County's contract with the City for an Affirmative Action Officer was to provide education and to serve as a resource to departments. She said the interlocal agreement should be amended if it no longer meets the needs of the County.

The Board asked Eagan to draft a letter to the Mayor informing him that the County would like to review the interlocal agreement.

4 UNITED HEALTHCARE FORMULARY - Phil Barager, United Healthcare; Craig Andreason, United Healthcare Director of Pharmacy; Georgia Glass, Personnel Director

Craig Andreason, United Healthcare Director of Pharmacy, explained that pharmaceutical costs have risen at a rate of about 20% over the last 4-5 years, due to the number of prescriptions written, and the cost of prescriptions. He noted that the average person takes 12 prescription drugs per year.

Phil Barager, United Healthcare, said this compares with a rate of 6 prescriptions per year in 1998.

Andreason said other factors influencing costs are an aging population, a greater number of drugs on the market and advertisements. He said one way to manage these costs is to utilize a preferred drug list (formulary) and said United Healthcare has developed its list based on recommendations from top specialists and updates it as new drugs come on the market. Andreason stated that United Healthcare's goal is to have 90% of the prescriptions filled by its members to be either generic equivalent drugs or brand name drugs on the preferred drug list and to offer alternatives for brand name drugs not on the preferred drug lists. He noted that the percentage for county employees is probably closer to 82%, as a three-tiered prescription co-pay program and preferred drug list plan are not currently in place.

Hudkins asked whether a doctor is "docked" if they prescribe outside of the preferred drug list.

Barager said no, United Healthcare does not engage in capitation (dollar sum payment to the primary care physician each month regardless of whether the patient is seen). He said "the physician has the last word in disease management", but said there are some prescriptions United Healthcare does not cover.

Campbell noted that a \$10 (generic)/\$20 (preferred drug list)/\$35 (non-preferred drug list) prescription co-payment program has been proposed and asked whether consideration would be given to someone who is prescribed a specific medication for which there is no generic equivalent or alternative on the preferred drug list.

Andreason said United Healthcare does not typically change the benefits for individual cases. He noted that the \$35 co-payment amount is much less than the cost of most drugs and said there should be an alternative on the preferred list. Andreason added that "if the physician and the patient feel that they absolutely need to be on that drug, for whatever reasons there may be, we're not going to get in between that relationship".

Hudkins expressed concern that some employees cannot afford the increased co-payment amount.

Workman said insurance costs are rising and said some trade-offs will need to be made to cover those costs.

5 SALARIES FOR UNCLASSIFIED EMPLOYEES - Georgia Glass,
Personnel Director; John Cripe, Classification and Pay Manager

District Court Judge Karen Flowers appeared and requested that the salary for the District Court Referee be increased to be commensurate with Douglas County (\$76,000) and that a cost of living adjustment be added for Fiscal Year 2001-02 (see Exhibit A for a compensation comparison and the federal reimbursement formula).

District Court Judge Paul Merritt Jr. appeared and requested a 5% salary increase for the District Court bailiffs, work release coordinator and receptionist (see Exhibit B for a prepared statement from Judge Merritt and Exhibit C for a listing of the proposed salary increases and an excerpt from the *Handbook for Bailiffs*). It was noted that the County receives federal reimbursement for a large percentage of the salary for the District Court Referee's bailiff.

Gary Lacey, County Attorney, appeared and presented information regarding the pay structure for Assistant United States Attorneys (Exhibit D) and said the County must remain competitive in salaries.

John Cripe, Classification and Pay Manager, distributed the following documents:

- City Directors Salary Data 2001* (Exhibit E)
- Directors Salary Information, 2001-2002* (Exhibit F)
- County Appointed Salary Study* (Exhibit G)

6 CONVEYANCE REGARDING GOLDEN POND ESTATES - Larry Worrell,
County Surveyor; Mike DeKalb, Planning Department

Larry Worrell, County Surveyor, reviewed a request from Mike and Gale Poe, Poe Development Company, for the County to accept dedication of roads in Golden Pond Estates (see Exhibit H for plat map). He noted that the Village of Firth has approved the plat.

In response to a question from Workman, Mike DeKalb, Planning Department, said the developer had intended smaller lots for the entire piece but changed his plans when he learned it would restrict a turkey feeder operation in Gage County.

Worrell noted that the Board will need to direct staff to implement LB 366, which changed provisions relating to zoning by county boards and nonfarm buildings.

DeKalb added that the Lincoln Municipal Code will also need to be amended if the provision is to apply to the City's three mile zoning jurisdiction.

7 BUDGET REVIEW FOR LANCASTER COUNTY AGRICULTURAL SOCIETY; RURAL FIRE DISTRICTS; RAILROAD TRANSPORTATION SAFETY DISTRICT AND MICROCOMPUTER FUND - Dave Kroeker, Budget and Fiscal Officer

Microcomputer Fund

Dave Kroeker, Budget and Fiscal Officer, and Doug Thomas, Information Services Director, reviewed *P.C. Requests for FY01* (Exhibit I).

The Board gave tentative approval to a microcomputer request from the Sheriff's Office, six Lotus Notes licenses and installation for the County Attorney, and a computer for Adult Probation County Court.

Thomas recommended that the County also set aside \$15,000 - \$20,000 for a new mug shot/fingerprinting system for the Police Department, Sheriff's Office and Corrections.

The Board held the request for 12 Palm V's and 2 Palm VII's for the County Attorney's Office (652), and a computer and monitor for Intensive Supervision Probation (675).

The Board directed Eagan to draft a memo to county departments asking them to indicate need for Palm technology.

Rural Fire Districts

Kroeker reviewed the following documents (Exhibit J):

- O *Lancaster County Allocation of Levy 2001-02*
- O *FY01 Tax & Levy Information on Lancaster County Fire Districts, as of 08/02/01 Using Preliminary Values*

Kroeker said he believes the increase in Raymond Rural Fire District's allocation request is due to its loss of value resulting from the Kawasaki Motors annexation.

Hudkins requested information on whether the Raymond Rural Fire District has a contractual relationship with the Lincoln Fire Department for fire protection of Kawasaki Motors.

Railroad Transportation Safety District

Roger Figard, City Engineer, reviewed the following documents (Exhibits K & L):

- O A letter from Ueberrhein & Micek, Certified Public Accountants, explaining how levy limits affect the Railroad Transportation Safety District (RTSD) budget
- O *Railroad Transportation Safety District Schedule of Property Taxes Requested*
- O *Railroad Transportation Safety District, 2001-2006 Capital Improvement Program*
- O *Railroad Transportation Safety District, Flow of Funds Statement as of August 8, 2001*

Figard reported that the end of year cash balance for the Railroad Transportation Safety District (RTSD) is \$14,288,600. He said \$3,136,988 in tax revenue is anticipated for Fiscal Year 2001-02, which accounts for a 6% tax reduction (1% County Treasurer commission and 5% delinquent tax allowance).

Kroeker said the RTSD will eventually receive these funds.

Figard recommended that \$1.5 million be held in cash reserves at the end of any fiscal year and said expenditures on a couple of projects have been spread out over more than one year to improve the cash flow. Figard reported that interest in a new railroad overpass at 70th and Cornhusker Highway was expressed at the City budget hearing and said that project is not included in the budget. He said at least two railroad crossings will be required for the South Beltway and said these were not included in the budget either.

In response to a question from Workman, Figard said the Antelope Valley project will include railroad crossings on 14th Street, 16th Street, 33rd Street and at 35th and Adams Street and said only Phase I is programmed.

Figard said the budget request for next year is \$7,344,250 and said the tax request of 2.6 cents exceeds the budget request. He said \$4 million of the cash reserves is anticipated to be spent next year, which is more than the tax receipts, and said \$8.4 million is anticipated to be spent the following year. Figard said he does not anticipate that the cash reserves will be depleted, as contracts are frequently carried over from one fiscal year to the next.

Hudkins asked how interest earnings are reflected.

Figard said an audit report should be available in the next 30 days and said it should help to answer that question.

Stevens said he is also concerned that interest credit is not adequately reflected.

Lancaster County Agricultural Society

Hudkins said he believes an August 9, 2001 Lincoln Journal Star newspaper article on the Lancaster County Agricultural Society's budget request was remiss in not stating the reasons for the Ag Society's capital expenditure request, noting an additional \$117,000 was needed for design changes and fireproofing requested by the Building & Safety Department and \$30,000 for design changes to the small animal building.

Charles Willnerd, Ag Society President, said the article was misleading, noting only \$263,000 is requested for capital expenditures.

Campbell said the changes that were made to comply with codes were the result of a change in use from what was originally anticipated.

Workman noted that an outdoor sign was included in the original master plan but said funds were used to construct other parts of the project, such as the campgrounds, to comply with contractual arrangements with scheduled events and vendors.

Willnerd explained that the sign is intended to identify the property, provide notification of current and upcoming events and provide advertising for facility vendors. The sign is projected to cost \$136,810 and is anticipated to bring in \$40,000 to \$60,000 in revenue each year.

Workman noted that funding the capital expenditure request will result in a property tax increase of \$1, for each \$100,000 of value.

Hudkins asked whether the Ag Society believes it has control of the Event Center's operations.

Willnerd said the Event Center's management structure is being reorganized and will include comptroller and promotion/advertising positions. He added that experience has given the Ag Society a better focus and idea of costs.

Campbell noted the Board's efforts last year to come up with the Lancaster County Fairgrounds Joint Public Agency solution. She indicated that she still supports the Event Center, but said she cannot support using property tax to pay for the facility's outdoor sign.

Stevens said he also has reservations in this regard and suggested the Ag Society defer the expense for one year.

Hudkins said the lack of a sign may have cost the Ag Society some opportunities this year and said he believes the Ag Society has prioritized the best they could under the circumstances.

Workman said he does not believe this is an exorbitant cost overrun, considering the size of the project, and said he supports the capital expenditures request.

Allocation of Levy

Kroeker explained that if the Board leaves the Rural Library within the 15 cent levy authority and holds the rural fire districts' allocation to 0.094430, then reductions totaling 0.005150 will need to be made to the Ag Society and RTSD (see Exhibit J).

MOTION: Workman moved and Hudkins seconded to direct Dave Kroeker, Budget and Fiscal Officer, to prepare a resolution accepting the amounts applicable to LB 1114 to fit within the 15 cent tax levy lid, including the Rural Library, with the understanding that if adjustments need to be made they will be made in the amount applicable to the Railroad Transportation Safety District. Workman, Hudkins, Heier and Stevens voted aye. Campbell voted no. Motion carried.

MOTION: Hudkins moved and Heier seconded to authorize Dave Kroeker, Budget and Fiscal Officer, to check with the Raymond and Malcolm Fire Districts, explain the situation to them, ask for additional information and urge them to help the County Board out in complying with the resolution that was just passed, with a report back at the August 16th Staff Meeting. Hudkins, Workman, Stevens, Heier and Campbell voted aye. Motion carried.

ADDITIONS TO THE AGENDA

A. Newspaper Article Regarding the Lancaster County Agricultural Society's Budget Request

See Item 7.

B. Dedication and Open House for the New Lancaster County Election/Jury Commission Facility

Eagan reported that Dave Shively, Election Commissioner, is seeking a Nebraska Accountability and Disclosure Commission staff opinion on what is permissible use of public funds for the open house (Exhibit M).

C. Conference Room Chairs

MOTION: Heier moved and Workman seconded to send a request to the Public Building Commission for more comfortable chairs in Conference Room 113. Heier, Workman, Stevens, Hudkins and Campbell voted aye. Motion carried.

D. Local Emergency Preparedness Committee (LEPC) Meeting Report

Workman reported that an emergency preparedness exercise will be held at the Malcolm High School at 8:30 a.m. on August 18, 2001.

Eagan reported that emergency response efforts were required on August 8th at the Lincoln Regional Center.

E. Application for a Special Designated License

Eagan distributed copies of an application for Special Designated License from Ken's Liquor, Inc. for a wedding reception scheduled to be held August 25, 2001 in the Waverly Community Foundation, Waverly, Nebraska (Exhibit N).

MOTION: Workman moved and Heier seconded approval. Workman, Heier, Stevens, Hudkins and Campbell voted aye. Motion carried.

8 ACTION ITEMS

A. Modify General Assistance Information System to Track Social Security Insurance Claimants

MOTION: Heier moved and Workman seconded approval. Heier, Hudkins, Workman, Stevens and Campbell voted aye. Motion carried.

B. Application for Public Officials Liability Coverage

MOTION: Hudkins moved and Heier seconded approval, provided that the County Commissioners are considered to be directors in terms of coverage. Workman, Hudkins, Stevens, Heier and Campbell voted aye. Motion carried.

9 ADMINISTRATIVE OFFICER REPORT

A. Pension Broker/Dealer

Board consensus to refer the matter to the Pension Committee and ask that the committee prepare a Request for Qualifications (RFQ), if one is deemed necessary.

B. Letter from County Engineer's Office Regarding Surplus Tires

MOTION: Heier moved and Stevens seconded to destroy and recycle the tires. Heier, Stevens, Hudkins, Workman and Campbell voted aye. Motion carried.

C. Meeting with United States Fish and Wildlife Service

Gwen Thorpe, Deputy Chief Administrative Officer, was designated the County coordinator. It was agreed that involvement of the Lincoln-Lancaster County Ecological Advisory Committee will be sought at a later date.

D. Microcomputer Request C#2001-217

Eagan explained that the County Engineer's Office would like to substitute a Dell computer for the Compaq Pentium II that was approved.

MOTION: Heier moved and Workman seconded to deny the substitution request. Heier, Workman, Hudkins and Campbell voted aye. Stevens voted no. Motion carried.

E. Meetings with Village Clerks and Surrounding Counties

Item held.

F. Work Session with Planning Department on Comprehensive Plan

Item held.

G. National Institute of Corrections Meeting

Stevens and Workman will attend the conference in Baltimore, Maryland on August 27-30, 2001.

H. Interoffice Envelopes

Item held.

I. Senior Center Skywalk

Campbell reported that the City has agreed to limit the County's participation to the west skywalk.

10 DISCUSSION OF BOARD MEMBER MEETINGS

A. Joint Budget Committee - Campbell, Stevens

Stevens reported that Keno Prevention Fund requests were approved.

B. Region V Governing Board - Campbell

Campbell said the Request for Proposals (RFP) process for the Professional Partners was discussed and the office budget was revised.

C. Ecological Advisory Committee - Heier

Heier expressed concern regarding a proposal to place a one mile buffer around a tall prairie grass preserve south of Denton.

D. Families First & Foremost (F³) Conveners Group - Heier, Stevens

Heier said it was decided that it will no longer be necessary to reach a consensus on discussion items.

E. Monthly Meeting with Mayor Wesely - Campbell, Workman

Campbell said items discussed included:

- Beltway discussion format
- Planning Commission appointments
- Public Works
- North parking lot
- Ambulance service report

F. Parking Committee - Campbell

Campbell said parking requests were reviewed, with a review of all agencies requested. She said the number of employee requests for parking in the Carriage Park Parking Garage exceeded spaces and said allocation will be based on seniority.

G. Budget Monitoring Committee - Campbell, Stevens

Campbell reported that a summary of the proposed budget was reviewed.

H. Public Building Commission - Campbell

Campbell reported the following:

- Midwest Right-of-Way was authorized to relocate the five businesses on Block 101, north of the County-City Building
- 1993 Dodge Van was approved for the Lancaster County Juvenile Detention Center
- Gas Purchasing Consortium contract was approved

11 EMERGENCY ITEMS AND OTHER BUSINESS

Mike DeKalb, Planning Department, distributed copies of *Lincoln and Lancaster County 2025 Comprehensive Plan, BLUEPRINT, Charting the course for Lincoln and Lancaster County* (Exhibit O).

12 ADJOURNMENT

MOTION: Heier moved and Stevens seconded to adjourn the meeting 12:56 p.m. Heier, Stevens, Hudkins, Workman and Campbell voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk